

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GEORGE AUSTIN, AK4262,

Plaintiff,

v.

TAMMY FOSS, et al.,

Defendant(s).

Case No. [21-cv-01098-CRB](#) (PR)

**ORDER OF DISMISSAL**

On May 6, 2021, the court screened plaintiff's pro se prisoner complaint under the authority of 28 U.S.C. § 1915A and dismissed it with leave to amend within 28 days to possibly state a cognizable Eighth Amendment claim under 42 U.S.C. § 1983 in a First Amended Complaint (FAC). The court warned plaintiff that "[f]ailure to file a proper amended complaint within the designated time will result in the dismissal of this action." ECF No. 8 at 3.

On June 15, 2021, the court granted plaintiff an extension of time to file a FAC "by no later than July 23, 2021." ECF No. 12 at 1. The court again warned plaintiff that "[f]ailure to file a FAC within the designated time will result in the dismissal of this action." Id.

But to date, plaintiff has neither filed an amended complaint nor sought another extension of time to do so. This action accordingly is DISMISSED.

The clerk is instructed to close the file.

**IT IS SO ORDERED.**

Dated: August 2, 2021



CHARLES R. BREYER  
United States District Judge